

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THERE REGULAR MONTHLY MEETING ON TUESDAY, JANUARY 23RD, 2007, AT 4:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
 Charles Wagner, Vice-Chairman
 Leland Mitchell
 David Hurt
 Charles Poindexter
 Russ Johnson
 Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
 Christopher L. Whitlow, Asst. County Administrator
 Larry V. Moore, Asst. County Administrator
 B. J. Jefferson, County Attorney
 Sharon K. Tudor, CMC, Clerk

Chairman Wayne Angell called the meeting to order.

PUBLIC HEARING/INDIAN POINTE SUBDIVISION/VACATING A PORTION OF MAIDEN LANE

Richard E. Huff, II, County Administrator, requested Board authorization to advertise for public hearing for the vacating a portion of plat recorded in Deed Book 396, Page 687, Indian Pointe Subdivision/maiden Lane.

(RESOLUTION #18-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing the aforementioned request on February 27th, 2007 @ 6:00 P.M.

MOTION BY: Charles Wagner
SECONDED BY: Charles Poindexter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

HISTORIAL SOCIETY MUSEUM GRAND OPENING & GROUNDBREAKING FOR WESTERN VIRGINIA REGIONAL JAIL

Richard E. Huff, II, County Administrator, advised the Board the Franklin County Historical Society will hold its grand opening in its new location on Tuesday, February 20th, 2007 @ Noon. The ground opening for the Western Virginia Regional Jail will be held at 10:00 A.M., on Tuesday, February 20th, 2007. Mr. Huff stated the Board will have adequate time should they attend the groundbreaking and want to attend the Historical Society grand opening.

VDOT – 6-YEAR SECONDARY ROAD PLAN WORK SESSION

Tony Handy, VDOT, Interim Resident Administrator, and Leo Whiteneck, VDOT Engineer, shared with the Board the current 6-Year Secondary Road Plan as follows:

PROJECTS					RURAL RUSTIC ROADS				
Priority	Route	Estimate	Previous	Needed	Priority	Route	Estimate	Previous	Needed
1	756	949,808	463,000	486,808	6	644	40,718	6,000	34,718
2	726	497,689	537,570	-39,881	7	699	40,639	6,000	34,639
3	942	903,117	229,000	674,117	8	939	87,475	8,000	79,475
5	929	858,316	0	858,316	9	960	64,228	8,000	56,228
11	634*	4,508,073	2,727,120	1,780,953	13	695	111,405	0	111,405
12	718*	1,028,041	174,000	854,041	14	952	147,169	0	147,169
17	657	1,300,251	0	1,300,251	15	889	127,775	0	127,775
19	616	1,113,054	550,941	562,113	16	682	147,290	0	147,290
20	719	610,606	0	610,606	18	682	130,615	0	130,615
30	611	1,841,447	0	1,841,447	21	910	105,987	0	105,987
31	634B*	1,492,158	0	1,492,158	22	903	85,648	0	85,648
32	640	998,819	0	998,819	23	709	116,774	0	116,774
33	756	3,459,200	0	3,459,200	24	728	136,905	0	136,905
34	620	495,583	0	495,583	25	970	85,312	0	85,312
36	670*	<u>271,478</u>	<u>0</u>	<u>271,478</u>	26	643	136,820	0	136,820
		17,118,710	4,681,631	12,437,079	27	732	146,710	0	146,710
					28	658	152,531	0	152,531

* Eligible for federal funds	29	783	<u>156,278</u>	<u>0</u>	<u>156,278</u>
			2,020,279	28,000	1,992,279

	Available Funding		
	Allocation	Needed	Difference
Unpaved	753,511	1,992,279	-1,238,768
			-
Other	1,360,173	12,437,079	11,076,906

Major Collector Roads Eligible for STP Federal Funding

Route	Name	From	To	Miles	VPD (2005)	District
602	Ferrum Mountain	40	641	8.67	555	Blue Ridge / Blackwater
605	Henry	220	40W	12.76	1,208	Blue Ridge
	Towne Creek/Henry					
606	Fork	605	Henry CL	1.51	984	Blue Ridge
613	Naff	220	Roanoke CL	4.95	1,383	Blackwater
616	Scruggs	122	834	0.77	9,098	Gills Creek
619	Sontag	220	890 W	11.77	2,427	Snow Creek
	Fairy Stone					
623	Park/Union/Ingramville	865	Patrick CL	8.09	1,861	Blue Ridge
634	Harmony School	122	678 W	2.02	1,192	Gills Creek
		Bedford				
634*	Hardy	CL	676	2.10	4,107	Boone
635	Bonbrook Mill	220	116	7.28	1,470	Boone / Gills Creek
636	Lost Mountain	122	676 N	2.87	2,526	Gills Creek
640	Six Mile Post	40 W	602	7.50	2,457	Blackwater
			WCL - Rocky			
640	Scuffling Hill	40 W	Mount	0.68	1,973	Rocky Mount
641	Callaway	919	602	8.99	1,574	Boone
646	Truevine	718 N	890	5.64	985	Union Hall / Snow Creek
655	Webster	40 E	834	3.57	1,126	Union Hall
670*	Burnt Chimney	122	834	4.42	3,196	Gills Creek
676	Hardy	636 N	634	3.80	2,625	Gills Creek
678	Truman Hill	116	679E	3.23	914	Gills Creek
678	Edwardsville	680	634W	0.85	1,074	Gills Creek
684	Boones Mill	116	ECL - Boones Mill	6.16	1,703	Boone
697	Wirtz	220	122	5.19	3,746	Boone / Gills Creek
718*	Colonial	40	619 N	7.51	978	Union Hall / Snow Creek
739	Bethlehem	742 W	WCL - Boones Mill	8.78	1,822	Boone / Blackwater
767	Prillaman Switch	805	606	6.18	492	Blue Ridge
775	Iron Ridge	220	919	4.02	584	Boone / Blackwater
775	Iron Ridge	220	697	0.43	656	Boone
805	Fieldcrest	40	623	0.18	2,180	Blue Ridge
834	Brooks Mill	40 E	616	10.69	3,676	Union Hall / Gills Creek
890	Snow Creek	40 E	619 W	20.53	1,746	Snow Creek
919	Grassy Hill	220	NCL - Rocky Mount	8.69	3,201	Boone / Blackwater
TOTAL				179.83		

* *Project in Secondary Six-Year Plan*

PERCENTAGE OF FEDERAL FUNDING FOR SECONDARY SIX-YEAR PLAN							
	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	TOTALS
Allocation	2,018,451	1,663,744	1,362,807	1,421,709	1,373,322	1,373,322	9,213,355
Federal	1,289,428	1,352,657	1,095,662	1,155,078	1,103,423	1,103,423	7,099,671
State	729,023	311,087	267,145	266,631	269,899	269,899	2,113,684
% Federal	64	81	80	81	80	80	
% State	36	19	20	19	20	20	
State	729,023	311,087	267,145	266,631	269,899	269,899	2,113,684

Funding							
Unpaved	<u>181,144</u>	<u>149,103</u>	<u>110,750</u>	<u>111,800</u>	<u>100,357</u>	<u>100,357</u>	<u>753,511</u>
All other projects	547,879	161,984	156,395	154,831	169,542	169,542	1,360,173

Considerations

- In June of 2006 the allocations of the existing Secondary Six-Year Plan were reduced by \$3,687,185 from \$13,485,480 to \$9,798,295. The current working budget is \$9,213,355.
- Rural Additions cannot exceed 5% of the year’s allocation by policy of the Commonwealth Transportation Board.

2008 - \$100,922

2009 - \$93,187

2010 - \$68,140

2011 - \$71,085

2012 - \$68,666

2013 - \$68,666
- Because of higher traffic volumes on major collector routes, the typical section may be wider than ordinary rural projects. Pavement widths may increase from 18 to 24 feet, shoulders from 2 feet to 8 feet and ditches from 3 feet to 10 feet. Guardrail may be needed which will increase the width of shoulders by 3 feet. These additional widths will require right-of-way of more than the usual 50 feet and present additional challenges to the acquisition of donated right-of-way.
- A contract awarded in December of 2006 for a one-mile unpaved road built to current standards, has a budget of \$536,543.38. There were no unusual construction concerns or mitigating circumstances associated with this project.

General discussion ensued regarding different road projects.

Mr. Hurt requested a current listing of monies allocated for the Clement’s Mill Bridge and the projected construction costs affiliated with the project.

The Board directed VDOT to balance the 6-Year Secondary Road Fund and to bring back a listing of the State monies and committed funds to projects.

The Board directed VDOT to place the 6-Year projects into storage and formulate a listing of straight priorities including the Rural Rustic Projects and where current monies have been allocated.

Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

PETITION of Virginia PCS Alliance, LC, d/b/a NTELOS, as Petitioner, and Owner Wayne D. Barton and Gloria Booth Barton, to apply for a Special Use Permit for a ± 10,000 square foot area of land, a portion of ± 25.177 acres currently zoned A-1, Agricultural District, for the purpose of the installation of a proposed 199 foot monopole telecommunication facility with antenna arrays along with associated transmitting and receiving equipment cabinets within a fenced ground compound. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Low Density Residential intended to allow gross densities of one to two dwelling units per acre. The property is located off of State Route 635, Moorman Road, in the Boone Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 5, Parcel # 21. (Case #U 06-12-01).

Mike Pace, Gentry, Lock, & Moore, presented the petition as advertised.

The following people spoke in opposition of the proposed petition:

Sharon Sink, Landowner across from proposed tower site expressed her opposition to the ugly tower and urged the Board not to rush to a hasty decision.

Kenneth Simmons, adjoining property owner, expressed any concerns regarding the environmental issues from long term use of these towers and the visual impact to this neighborhood.

David Hurt, Boone District Supervisor, requested the Board to reconsider the current policy of cell towers for the County.

George Condoyles, Communications Consultant, advised the Board of how many towers would it take to equal the proposed tower with 4 carriers. The answer was (3) 80' to 100' towers and accommodate only 1 carrier.'

(RESOLUTION #20-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the petition as advertised for the special use, thereby finding that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in sections 25-638 supplementary regulations, and amendments, of this chapter, and with the public health, safety and general welfare with the following conditions:

MOTION BY: David Hurt

SECONDED BY: Hubert Quinn

Additional buffer of the existing north woodland be maintained in its natural state and that Ntelos delineate a proper buffer of the cutting of the trees.

(RESOLUTION #21-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to withdraw previous motion and to table the petition until the February 27th, 2007 meeting.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Johnson, & Quinn

NAYS: Wagner & Angell

PETITION of Orient Bay, LLC, a Virginia Limited Liability Company, as Petitioner and Owner, to rezone property currently zoned A-1, Agricultural District consisting of ± 40.235 acres, and B-2, Business District General consisting of ± 1.814 acres to PCD, Planned Commercial District, for the purpose of a mixed use of retail, office, motel, bank, restaurant, convenience store with gas, grocery-pharmacy, furniture warehouse and retail, day care center and other uses permitted in the PCD district consisting of a total of ± 42.049 acres. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 220 North as a Commercial Highway Corridor. The property is located on State Route 220 North at the intersection with Wirtz Road on the west side of Route 220 in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 36, Parcel # 222; Tax Map # 44, Parcel # 13 and # 14, and a portion of Tax Map # 44, Parcel # 6. (Case # R 06-12-01)

Clyde Perdue, Attorney; Phil Nester, Land Surveyor; and Dan Early, Engineer of ACS Design presented the request on behalf of the petitioner.

Wayne Pagans of ???? asked several questions regarding the proposed project in regards to drainage along U.S. 220, turning lanes, public water system source, buffering, and site security.

Charles Jordan of ?? Boones Mill expressed the need for sidewalks, a public transit stop, access road expanded to serve other parcels, and requested a long range traffic study to consider the extension of the main road of this development to the Callaway / Dugwell area prior to the project's approval. .

Curtis McGuire of 190 Westcott Road expressed concerns about the proposed development. He stated the development would devalue his property and asked the developer to save the wooded buffer behind his house that he and his family have enjoyed for the past 28 years.

Bobby Cundiff of 100 Westcott Road stated his main concerns were where all of the run off from the 42 acre development would go, the height of the proposed screening wall, and he further expressed for the developer to leave the wooded area behind the homes remain as is.

Wayne Wingfield, Westcott Road expressed the same concerns as Mr. Cundiff and Mr. Curtis, but noted he appreciated the additional 10 feet buffer the developer has offered.

General discussion ensued

(RESOLUTION #22-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to table the Orient Bay, LLC, a Virginia Limited Liability Company, as Petitioner and Owner request as advertised until the February 27th, 2007 meeting thereby requesting more information regarding off premises signage plan; phased grading plan, upgraded landscaping plan along U.S. 220, updated loading dock / loading space plan along U.S. 220, upgraded stormwater plan (10 year storm released at a 2 year rate), and updated architectural design plan whereby any out parcels would be compatible with the existing development.

MOTION BY: David Hurt

RESOLUTION WITHDRAW WITHOUT PREJUDICE:

(RESOLUTION #23-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the rezone as advertised with proffers as follows in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-220:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan and Reports for Virginia Market Place dated October 31, 2006, revised January 23, 2007, prepared by Orient Bay, LLC and others.
2. The Concept Plan provides for a projected total uncovered area of 36% and a total covered area of 64%. The Concept Plan is preliminary in nature and final site design may require minor changes because of topography and other engineering design issues. Any increase in covered area due to engineering design issues shall not exceed a total covered area of 70%, this guaranteeing that a minimum of 30% of the PCD area shall remain uncovered.
3. The designations of proposed uses as set forth on the Concept Plan are projected proposed uses and the exact uses are unknown. Accordingly, the developer reserves the right to reconfigure the proposed location of uses provided that any revision shall not exceed the total square footages proposed for the project and such use is permitted in the PCD zone, as amended.
4. The Developer or his approved designee shall provide for Architectural Review for any building in order to assure that complementing forms and materials are used to create continuity within the development. Architectural detail shall be incorporated to create architectural character. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings. Buildings with flat roofs shall have a decorative cornice at the top of all walls. Appropriate screening shall be provided for any roof mounted mechanical equipment. Developer will confer with the Planning Department in regard to architectural design of any building (including the utility building for the sewage treatment plant) prior to site plan submission.
5. Solid waste disposal shall be handled individually on each site and all dumpster facilities shall be screened from adjacent properties.
6. Upon approval of the rezoning request the applicant shall submit a Traffic Analysis Report that meets Virginia Department of Transportation requirements for entrance permit approval.
7. The Developer will provide shared reciprocal parking agreements as the Developer deems necessary to assure adequate parking in the event of any future divisions of the property.
8. The proposed landscape material to be utilized within the required traffic median of the proposed entrance shall consist of low growth ornamental shrubbery that will not impede sight distance.
9. If necessary to support the development, applicant shall encumber its adjoining property with an easement, running with the land, to provide for storm water management ponds to serve the subject properties and development.

10. All phone, cable and electric utilities serving the development and the sewer facility will be underground.

Pursuant to Sections 25-293(b), 25-31 1(a), and 25-308(5) of the Franklin County Zoning Ordinance, this petition to rezone the property from A1 and B2 to PCD includes a request for deviations for the following:

1. Deviation on the number of parking spaces from 1,387 required to 1,255 spaces, a deviation of 132 spaces.
2. Deviation on the reduction of loading docks for the furniture store from 19 to eight (8), a deviation of eleven (11) docks.
3. Deviation on the docks for the hotel from three (3) to one (1) dock, a deviation of two (2) docks.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Orient Bay, LLC, a Virginia Limited Liability Company, as Petitioner and Owner, to apply for a Special Use Permit to construct and maintain a Shopping Center within a PCD, Planned Commercial District, with a building coverage of ± 8.4 acres; pavement coverage of ± 18.2 acres for a total covered area of ± 26.6 acres with open area of ± 15.409 acres, concurrent with a rezone request of ± 42.049 acres to PCD. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 220 North as a Commercial Highway Corridor. The property is located on State Route 220 North at the intersection with Wirtz Road on the west side of Route 220, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 36, Parcel # 222; Tax Map # 44, Parcel # 13 and # 14, and a portion of Tax Map # 44, Parcel # 6. (Case # U 06-12-02)

(RESOLUTION #22-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in Sections 25-638, supplementary regulations, and amendments, of this chapter, and with the public health, safety and general welfare with the following conditions and the following read into the record and was modified (last one on tab 3 in the petition:

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan and Reports for Virginia Market Place dated October 31, 2006, as revised January 23, 2007, prepared by Orient Bay, LLC and others.
2. Prior to final site plan approval the applicant shall obtain any necessary Virginia Department of Transportation approvals and permits, provided that soil and erosion permits may be issued for preliminary clearing, grubbing and grading.
3. Vertical metal siding shall be prohibited on any building fronting on U.S. Highway 220, and shall be prohibited on any part of any other building visible from any public or private road.
4. Building elevations shall be submitted prior to final site plan approval.
5. A small deciduous tree shall be planted every 60 feet to 70 feet in the landscaped islands between all parking rows as depicted on the concept plan.
6. Landscaping Plan B shall be used along U.S. Highway 220 in accordance with Section 25-100(b) of the Franklin County Code.
7. The Stormwater system is to be designed to retain a 10- year post development storm and release at a two- year pre-development rate.

8. Loading spaces for buildings facing on U.S. Highway 220 shall be at grade level and no overhead doors shall be used. Doors must be of a residential exterior style.

9. No off premise signs shall be allowed.

10. Building construction on parcels/units 1 thru 4, inclusive, fronting on U.S. Highway 220, shall be consistent with the architectural guidelines and materials in the rezoning proffers and with the building designs and renderings as shown on page 40 of the concept plan and petition application.

11. Grading operations on the site shall be conducted so as to give consideration to minimizing any impact on the areas bordering the Wescott Road residents until such time as disturbance of those areas is necessary to reasonably accomplish grading and or construction.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Orient Bay, LLC, a Virginia Limited Liability Company, as Petitioner and Owner, to apply for a Special Use Permit to construct and maintain a Day Care Center/Day Nurseries within a PCD, Planned Commercial District, with a building of \pm 4,800 square feet and appurtenant area of \pm 1.00 acres, concurrent with a rezone request of \pm 42.049 acres to PCD. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 220 North as a Commercial Highway Corridor. The property is located on State Route 220 North at the intersection with Wirtz Road on the west side of Route 220, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 36, Parcel # 222; Tax Map # 44, Parcel # 13 and # 14, and a portion of Tax Map # 44, Parcel # 6. (Case # U 06-12-03)

(RESOLUTION #23-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in Sections 25-638, supplementary regulations, and amendments, of this chapter, and with the public health, safety and general welfare with the following conditions: one condition

1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan and Reports for Virginia Market Place dated October 31, 2006, and revised January 23, 2007, prepared by Orient Bay, LLC and others.

MOTION BY: David Hurt

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Orient Bay, LLC, a Virginia Limited Liability Company, as Petitioner and Owner, to apply for a Special Use Permit to construct and maintain Private Roads within a PCD, Planned Commercial District, consisting of \pm 3.36 acres in private right-of-way, concurrent with a rezone request of \pm 42.049 acres to PCD. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 220 North as a Commercial Highway Corridor. The property is located on State Route 220 North at the intersection with Wirtz Road on the west side of Route 220, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 36, Parcel # 222; Tax Map # 44, Parcel # 13 and # 14, and a portion of Tax Map # 44, Parcel # 6. (Case # U 06-12-04)

(RESOLUTION #24-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in Sections 25-638, supplementary regulations, and amendments, of this chapter, and with the public health, safety and general welfare with the following conditions: (5)

- 1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan and Reports for Virginia Market Place dated October 31, 2006, and revised January 23, 2007, prepared by Orient Bay, LLC and others.
- 2. The proposed private roads shall meet the minimum horizontal, vertical and pavement design requirements specified in the Virginia Department of Transportation regulations. The final surface coat shall be asphalt pavement.
- 3. The maintenance of the private roads shall be provided by the Developer or by the individual lot owners, with a road maintenance agreement to be recorded in the lands records of the Clerk of the Circuit Court of Franklin County prior to or simultaneously with the conveyance of the first out parcel, obligating the individual lot owners to pay for upkeep and maintenance of the private roads on a pro-rata basis or other basis is determined.
- 4. The initial coat of asphalt shall be applied on any private road serving a unit prior to the unit being opened to the public for business.
- 5. Surety shall be posted with the County for the construction of the proposed roads and shall not be released until the County has received a certification from an individual licensed by the Commonwealth of Virginia to perform such services in Virginia stating that the construction of the roads meet all Virginia Department of Transportation design and construction requirements.

MOTION BY: David Hurt
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Orient Bay, LLC, a Virginia Limited Liability Company, as Petitioner; Owners, Orient Bay, LLC; Shepherd Properties, LLC; Arrington Properties North, LLC, to apply for a Special Use Permit to construct and maintain a Public Water System and Sewer Treatment Plant concurrent with a rezone request of ± 42.049 acres to PCD, Planned Commercial District. The well/storage/treatment site will be located on a ± 1 acre portion of parcel 44-6, the sewer treatment plant will be located on a ± 2 acre portion of parcel 36-223.14. Both the public water and public sewer will serve Tax Map # 36, Parcel # 222; 223.10; 223.11; 223.12; 223.14; 183.2; Tax Map # 36.1, Parcel # 138.1; and Tax Map # 44, Parcel # 6; 13 and 14. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 220 North as a Commercial Highway Corridor. The property is located on State Route 220 North at the intersection with Wirtz Road on the west side of Route 220, in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 36, Parcel # 222; 223.10; 223.11; 223.12; 223.14; 183.2; Tax Map # 36.1, Parcel # 138.1; and Tax Map # 44, Parcel # 6; 13 and 14. (Case # U 06-12-05)

(RESOLUTION #25-01-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in Sections 25-638, supplementary regulations, and amendments, of this chapter, and with the public health, safety and general welfare with the following conditions:

- 1. The property shall be developed in substantial conformance with the Rezoning and Special Use Permit Requests Concept Plan and Reports for Virginia Market Place dated October 31, 2006 and revised January 23, 2007, prepared by Orient Bay, LLC and others.
- 2. Any future wastewater treatment facility shall provide adequate treatment to reduce the effluent strength to the following maximum contaminant levels:

Biochemical Oxygen Demand (BOD)	10 mg/1
Total Suspended Solids (TSS)	10 mg/1
Total Nitrogen	5 mg/1
Total Phosphorus	1 mg/1

- 3. The applicant shall provide operations/maintenance plans for the water and sewer systems and shall appoint a trustee who shall be responsible for the administration of the plan, or transfer ownership to a licensed operator approved by the State of Virginia.
- 4. Design of any future wastewater facility shall comply with the current Virginia Department of Health and Department of Environmental Quality Sewage Treatment and Collection Regulations.
- 5. The applicant shall connect to a public utility providing sewage treatment should it become available.
- 6. The following tax parcels shall be included in the service area, with any service outside this area to be subject to approval by a separate petition for amendment to the special use permit: Tax Parcels #36-222; #44-12; #44-13; #44-14; #44-6; Tax Parcel 36-223.10; 223.11; 223.12; 223.14; Tax Parcel # 36.1-138.1 and 183.2.
- 7. All applicable permits and approvals for construction of the sewer system must be received from Virginia Department of Health and Department of Environmental Quality prior to the final approval of any site plan; all applicable permits and approvals for operation of the sewer system must be received from Department of Environmental Quality and Virginia Department of Health prior to the issuance of a Certificate of Occupancy for the unit served.

MOTION BY: David Hurt
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

Chairman Angell adjourned the meeting.

W. WAYNE ANGELL
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR